

**Title 13  
WATER AND SEWER SYSTEMS**

**UPDATED: October 20, 2014**

**Chapters:**

**13.02 GENERAL PROVISIONS**

**13.24 WATER AND SEWER COMPREHENSIVE PLANS (Formerly SEWER AND WATER COMPREHENSIVE PLANS)**

**13.28 CRITICAL WATER SUPPLY AREAS**

**CROSS-REFERENCES:**

For provisions requiring purchasers of real property to install a private sewer system when none is provided, and for provisions regarding required percolation tests for vendors of real property, see K.C.C. chapter 8.60.

For provisions requiring nondelinquent property tax certification for septic tank permits, see K.C.C. chapter 4.68.

See also K.C.C. Title 28, Metropolitan Functions.

For statutory provisions relating to county sewerage, water and drainage systems, see chapter 36.94 RCW.

For statutory provisions relating to water-sewer districts, see Title 57 RCW.

**13.02 GENERAL PROVISIONS**

**Sections:**

- 13.02.010 Relationship to comprehensive plan and growth management act.
- 13.02.020 Notification to Tribes.

**13.02.010 Relationship to comprehensive plan and growth management act.**

Title 13 (Water and Sewer Systems) of the King County Code is hereby enacted to be consistent with and implement the comprehensive plan in accordance with RCW 36. (Ord. 11616 § 1 (part), 1994).

**13.02.020 Notification to Tribes.** The county recognizes that many actions undertaken pursuant to Title 13, as amended, may impact treaty fishing rights of federally-recognized tribes. In order to honor and prevent interference with these treaty fishing rights and to provide for water quality and habitat preservation, the county shall provide notice to any federally recognized tribes whose treaty fishing rights would be affected by an action undertaken pursuant to this title, including but not limited to: development of wetlands, stream and river banks, lakeshore habitat of water bodies, or development directly or indirectly affecting anadromous bearing water bodies, including the promulgation of plans, rules, regulations or ordinances implementing the provisions of this title, whether or not review of such actions is required under the State Environmental Policy Act (SEPA), RCW 43.21C. (Ord. 11616 § 1 (part), 1994).

**13.24 WATER AND SEWER COMPREHENSIVE PLANS (Formerly SEWER AND WATER COMPREHENSIVE PLANS)**

**Sections:**

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- 13.24.136 On-site sewage treatment and disposal systems in the Urban Growth Area.
- 13.24.138 Water facilities in rural areas.
- 13.24.140 Water facilities in urban areas - interim alternative water service.
- 13.24.142 Operation of new Group A water systems in rural areas.

**CROSS-REFERENCE:**

For statutory provisions relating to water-sewer districts, see Title 57 RCW.

**13.24.005 Purpose.** The purpose of this chapter is to accomplish the following:

- A. Assure that sewer and water system comprehensive plans are consistent with adopted county plans, policies and land use controls;
- B. Provide information to assist in the preparation of future county plans and policies;
- C. Provide information to assist in the review of new development proposals and right-of-way construction permits; and
- D. To fulfill the county's responsibilities set forth in chapters 90.54 (Water Resources Act of 1971), 36.70 (Planning Enabling Act of the state of Washington), 36.70A, 36.94, 57.02 and 70.116 RCW and chapters 173-240 and 246-290 WAC. (Ord. 13625 § 2, 1999: Ord. 10095 § 2, 1991).

**13.24.007 Definitions.**

- A. Group A water system: a public water system with 15 or more service connections, regardless of the number of people served, or a system serving an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections.
- B. Group B water system: a public water system which is not a Group A system, with less than 15 service connections and serving an average of less than 25 people for 60 or more days within a calendar year, or any number of people for less than sixty days within a calendar year.
- C. Individual water system: a water system serving only one single family residence.
- D. Public water system: any water system except one serving only one single family residence. (Ord. 11616 § 16-19, 1994).

### **13.24.010 Water and sewer system comprehensive plans.**

A. Comprehensive plans for water and sewer districts or any other public or private entities that distribute or obtain water or provide sewer collection or treatment in unincorporated areas of King County shall be adopted by that entity and approved by the King County council as a prerequisite for the following:

1. Operating in unincorporated King County;
2. Approval of annexation proposals;
3. Granting of new right-of-way franchises and right-of-way franchise renewals;

and

4. Approval of right-of-way construction permits, except for emergency permits issued under K.C.C. 14.44.055.

B.1. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by a utilities technical review committee established by this chapter before submission to the King County council for approval by ordinance.

2. When reviewing proposals for modified and expanded service area boundaries for municipal water suppliers, the utilities technical review committee shall consider whether:

a. the municipal water system is in compliance with its comprehensive plan, including water conservation elements; and

b. the municipal water system can meet its duty to provide timely and reasonable service within its service area as required under chapters 43.20 and 70.116 RCW.

C. Only plans consistent with the King County Comprehensive Plan adopted in K.C.C. Title 20 and corresponding development regulations shall be approved. The infrastructure system for the existing service area and for the area anticipated to be served in the future shall be based on the adopted land use map of the Comprehensive Plan. For the purposes of this subsection C., plans include updated plans, amended plans and other documentation that may be required under subsection E. of this section.

D. A new, fully updated plan shall be submitted every six years, or in conformance with the cycle of updates required by the state Department of Health or Department of Ecology, whichever is sooner. Except for water systems proposing a changed service area, as authorized under RCW 90.03.386, water comprehensive plans shall not be required for Group A water systems that are not expanding public water systems as defined in WAC 246-290-010.

E. The utilities technical review committee may require an updated plan, plan amendment or other documentation whenever conditions for water or sewer availability have changed significantly within a water or sewer utility service area. Water and sewer utilities required to plan under this chapter shall promptly notify King County of any significant changes affecting service provision.

F. Water and sewer comprehensive plans shall include information sufficient to demonstrate the ability to provide service consistent with the requirements of all applicable statutes, codes, rules and regulations.

G.1. Water comprehensive plans shall be consistent with the Washington state Department of Health planning requirements under chapter 246-290 WAC and with the planning criteria in its "Water System Planning Handbook" or its successor document. Water comprehensive plans shall also include an evaluation of reclaimed water opportunities, as required by RCW 90.46.120.

2. The county shall not approve a water system plan with a proposed service area where the water system is unable to provide service for one or more of the reasons identified in RCW 43.20.260. Nothing in this subsection G. prohibits the county from approving a modified or expanded service area boundary for the water system to correct

problems and provide reliable potable water service within the proposed modified service area.

H. Sewer comprehensive plans shall be consistent with WAC 173-240-050. In addition, the plans shall discuss the following:

1. Existing and planned flows, both average and peak;
2. Existing and planned flows for any basin discharging into King County's sewage conveyance and treatment system;
3. Amounts of inflow and infiltration to the system, a comparison of those amounts with King County's one-thousand-one-hundred-gallons-per-acre-per-day-standard, and steps being taken to reduce the inflow and infiltration;
4. Areas of concern with respect to corrosion and odor control and steps being taken to reduce their occurrence; and
5. Opportunities for reclaimed water as required under RCW 90.48.112 and 90.48.495.

I. The utilities technical review committee may require additional information to be included as part of a water or sewer comprehensive plan. (Ord. 16265 § 1, 2008: Ord. 15029 § 1, 2004: Ord. 13625 § 3, 1999: Ord. 11790 § 3, 1995: Ord. 11616 § 4, 1994: Ord. 10095 § 1, 1991: Ord. 4307 § 1, 1979: Ord. 2865 § 1, 1976: Ord. 1709 § 1, 1973).

**13.24.015 Exemption from council approval of Group B water systems.** As provided by chapter 43.20 RCW, chapter 246-291 WAC and Title 12 of the Seattle-King County board of health regulations, plans for Group B water systems in unincorporated King County shall be reviewed and approved by the Seattle-King County health department. Plans for Group B water systems shall not require approval of the county council pursuant to this chapter unless a right-of-way construction permit is required. The health department shall prepare and regularly update a list of those Group B systems that have been approved. Included in the list shall be the important characteristics of the systems such as water quality, water quantity, reliability, the operator or manager and the capacity of the system to serve existing and additional customers. The list shall be provided annually to the utilities technical review committee and shall be consulted when preparing recommendations for, but not limited to, franchises, other water plans, and new developments. (Ord. 10095 § 3, 1991).

**13.24.020 Approving official.** The director of the department of natural resources and parks, or the director's authorized designee, shall be the official designated by King County for the approvals required by RCW 57.16.010. Director approval shall be based on recommendations provided by department staff and the utilities technical review committee. (Ord. 16265 § 2, 2008: Ord. 14199 § 187, 2001: Ord. 13625 § 5, 1999: Ord. 4307 § 2, 1979).

**13.24.035 Public sewer service.**

A. All development within the urban growth area shall be served by public sewer service except on-site sewage systems may be allowed temporarily in some parts of the urban growth area in accordance with K.C.C. 13.24.136 and

B. Public sewer service shall also be provided in rural towns when the service provision has been approved by King County. As of March 12, 2001, only the rural town of Vashon has been approved for public sewer service.

C. Public sewer service shall not be provided outside the urban growth area or any rural town designated to receive the service, except as described in K.C.C. 13.24.134.

D. Sewer extensions under subsections A. and C. of this section shall be approved by the council, if it is determined that the extension meets the criteria in this

section and is consistent with all other adopted King County policies and regulations. Decisions on sewer extensions in rural or resource areas shall be made by the council in the form of a sewer comprehensive plan or an amendment to a sewer comprehensive plan.

E. The required elements of a sewerage general plan in RCW 36.94.010(3) are included in the 1994 King County Comprehensive Plan and its technical appendix, as adopted in K.C.C. Title 20. (Ord. 16265 § 3, 2008: 14049 § 2, 2001: Ord. 13625 § 22, 1999).

**13.24.050 Comprehensive plans - modification of requirements.** For the purpose of satisfying K.C.C. 13.24.010, a sewer comprehensive plan covering a subarea of a sewer district or any other public or private provider of sewage services shall be eligible for consideration provided that it:

1. Covers a system of sewer facilities, existing or proposed, having no connection to any other portion of the utility's system and discharging directly into a King County wastewater treatment or conveyance facility;

2. Contains the required plan elements as applied to conditions within the subarea only; and

3. Satisfies the consistency requirements of K.C.C. 13.24.060. (Ord. 13625 § 6, 1999: Ord. 11616 § 7, 1994: Ord. 10416 § 1, 1992: Ord. 1709 § 4, 1973).

**13.24.060 Comprehensive plans - approval requirements.** Comprehensive plans approved by the county shall be consistent with the following:

A. K.C.C. chapter 17.08 relating to the installation of fire hydrants and water mains;

B. State and local health standards;

C. The creation and maintenance of logical service areas consistent with the relevant coordinated water system plans approved under chapters 43.20 and 70.116 RCW and the duty to serve under RCW 43.20.260;

D. Service area boundary requirements as identified in RCW 90.03.386;

E. The elimination or prevention, or both, of duplicate facilities;

F. The promotion of the most reliable and healthful service to the public, including the delivery of potable water by existing public water systems on a permanent or interim basis whenever feasible;

G. The provision of service at a reasonable cost and maximization of the use of existing public facilities;

H. The reduction of the number of entities providing sewer or water service in King County that may be achieved through the use of satellite ownership and management and conditional approvals for new water systems under RCW 70.119A.060;

I. The King County Comprehensive Plan and other pertinent county adopted plans and policies, including, but not limited to, the King County Flood Hazard Reduction Plan and the King County Emergency Response Plan;

J. Coordinated water system plans under chapter 70.116 RCW;

K. Basinwide or multibasin water plans, sewerage plans or water and sewerage plans, when approved by the state Department of Ecology and the state Department of Health;

L. Applicable state water quality, water conservation and waste management standards;

M. The state Water Resources Act, chapter 90.54 RCW;

N. The state Growth Management Act, chapter 36.70A RCW;

O. Adopted ground water management plans under RCW 90.44.400 and chapter 173-100 WAC;

P. Federally approved habitat conservation plans and recovery plans approved in accordance with the Endangered Species Act;

Q. Requirements under chapter 77.85 RCW for salmon recovery, water resource plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in accordance with chapter 90.82 RCW and regional water supply or water resource management plans; and

R. Applicable requirements to evaluate opportunities for the use of reclaimed water under chapter 90.46 RCW. (Ord. 16265 § 4, 2008: Ord. 15029 § 2, 2004: Ord. 13625 § 7, 1999: Ord. 11616 § 8, 1994: Ord. 10095 § 6, 1991: Ord. 9218 § 2, 1989: Ord. 4307 § 3, 1979: Ord. 2638 § 3, 1976: Ord. 1709 § 5, 1973).

**13.24.070 Comprehensive plans - environmental review.** Each plan submitted by a public agency for utilities technical review committee review shall be accompanied by one copy of the documentation required by chapter 197–11 WAC, as follows:

A. A statement explaining the basis of categorical exemption from state Environmental Policy Act requirements;

B. An environmental assessment, together with the agency's threshold determination; or

C. An environmental impact statement. (Ord. 17890 § 1, 2014: Ord. 13625 § 8, 1999: Ord. 2638 § 5, 1976).

**13.24.075 Critical aquifer recharge - evaluation of utility comprehensive plans and implementation of groundwater management plans and wellhead protection programs.** The department of natural resources and parks may evaluate measures proposed in utility comprehensive plans and recommend measures to the utilities technical review committee to implement, as appropriate, ground water management plans and wellhead protection programs to further protect ground water resources. (Ord. 16265 § 5, 2008: 15051 § 180, 2004: Ord. 11481 § 7, 1994. Formerly K.C.C. 20.70.060).

**13.24.080 Utilities technical review committee - creation and composition.** A utilities technical review committee is created consisting of the following representatives:

A. Two representatives from the department of natural resources and parks, one to be appointed by the department's director and one to be the director or the director's designee;

B. The director of the department of transportation or the director's designee;

C. The director of the department of permitting and environmental review or the director's designee;

D. The director of the Seattle-King County department of public health or the director's designee;

E. The director of the facilities management division of the department of executive services or the director's designee;

F. On representative from the King County council staff; and

G. The county demographer. (Ord. 17890 § 2, 2014: Ord. 17420 § 30, 2012: Ord. 16265 § 6, 2008: Ord. 14561 § 26, 2002: Ord. 14199 § 188, 2001: Ord. 13625 § 9, 1999: Ord. 10095 § 7, 1991: Ord. 2638 § 4, 1976: Ord. 1709 § 6, 1973).

**13.24.090 Utilities technical review committee - Authority.**

A. The utilities technical review committee shall ensure that the provisions of K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be

responsible for providing the notification to tribal governments provided for in K.C.C. 13.20.020 for actions under that section that fall within the authority of the committee.

B. The utilities technical review committee shall:

1. Review and make recommendations to the King County executive and the King County council on the adequacy of all sewer and water system comprehensive plans and related matters, and determine their consistency with the King County Comprehensive Plan;

2. Have the authority to approve additions and betterments to council-approved sewer and water comprehensive plans without referral to the council in order to serve developments that have received preliminary approval from the King County council;

3.a. Serve as the appeal body to hear issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans, based on whether an existing water purveyor can provide service in a timely and reasonable manner (WAC 246-293-190).

b. An appeal under subsection B.3.a. of this section is subject to all of the following:

(1) A notice of appeal or request to find that water service is or is not available in a timely and reasonable manner shall be filed with the utilities technical review committee and shall be accompanied by a nonrefundable fee as prescribed in K.C.C. 4A.710.100;

(2) Written materials from the appellant and the water purveyor and any interested parties may be submitted on forms developed by the utilities technical review committee. The committee shall evaluate such submittals and any other submitted written materials in light of applicable state laws, regulations and policies. The committee shall issue a final written determination, including findings and conclusions, within thirty days of the date that the written record is complete;

(3) The utilities technical review committee shall provide its written determination together with the procedures for administrative appeals, to the appellant, to the water purveyor, and to any person, who, before the determination, has requested notice of the determination; and

(4) The written determination by the utilities technical review committee shall be the final county action, unless further appeal is made to the office of the hearing examiner, in accordance with K.C.C. 20.24.080 and 20.24.090. In such an appeal to the hearing examiner, the written determination shall constitute the department report for the purposes of K.C.C. 20.24.150.

c. The utilities technical review committee is authorized to establish by rule the procedures and timeframes for submittal to the committee of any requests for an appeal as provided for under this chapter and chapter 13.28; and

4. Issue the findings required under K.C.C. 13.24.132, 13.24.134 and 13.24.136 relative to sewer expansion in rural and resource areas. The determination that sewer expansion in rural and resource areas is necessary shall be based on information concerning the feasibility of alternative treatment technologies as provided by the Seattle-King County department of public health. (Ord. 17890 § 3, 2014: Ord. 16265 § 7, 2008: Ord. 13625 § 11, 1999: Ord. 10095 § 8, 1991: Ord. 4307 § 4, 1979: Ord. 1709 § 7, 1973).

### **13.24.100 Procedures.**

A. The director of the department of natural resources and parks shall designate a representative of the department of natural resources and parks as the chair of the utilities and technical review committee.

B. Required copies of all sewer and water comprehensive plans shall be submitted to the King County department of natural resources and parks. The department of natural resources and parks shall have the major responsibility for coordination and support for the utilities technical review committee.

C. Notice of the time and place of the utilities technical review committee meeting shall be provided to the applicant for comprehensive plan approval prior to the meeting.

D. The applicant shall have the right to attend or be represented at any and all meetings upon request.

E. The chair may invite the participation of representatives from the Washington state Department of Health and the Washington state Department of Ecology on an ex officio basis as appropriate. (Ord. 16265 § 8, 2008: Ord. 14199 § 189, 2001: Ord. 13625 § 11, 1999: Ord. 4307 § 5, 1979: Ord. 1709 § 8, 1973).

**13.24.120 Certificates of water availability.** The issuance of a certificate of water availability by a water utility is required to document that adequate water service is available to proposed development projects within King County. Certificates of water availability shall document that the water utility's service capability is adequate for the proposed development consistent with criteria or standards of the Department of Health, Department of Ecology, and the Seattle-King Health Department, as appropriate to the development. King County shall not accept a certificate of water availability if information provided on the certificate is not complete or not consistent with the intent of K.C.C. Title 13 or K.C.C. Title 6. (Ord. 14049 § 3, 2001: Ord. 10095 § 9, 1991).

**13.24.132 New sewer facilities in rural areas.** New sewer facilities shall be allowed to cross the rural areas only if the facilities are:

A. Limited to serving areas within an Urban Growth Area, rural city or a rural town approved for public sewer service;

B. Tightlined or otherwise subject to access restrictions precluding service to adjacent rural areas; and

C. Identified in a King County-approved comprehensive sewage system plan and upon a finding by the utilities technical review committee that it is technically necessary. (Ord. 17890 § 6, 2014: Ord. 14049 § 4, 2001: Ord. 13279 § 1, 1998: Ord. 11616 § 10, 1994).

**13.24.134 Sewer service in rural and natural resource areas - prohibited - exceptions.**

A. Except as otherwise provided in this subsection B. of this section, sewer services is prohibited in the rural and natural resource areas.

B. Sewer service may be expanded to serve uses in the rural and natural resource areas only if:

1. The facilities are:

a. needed to address:

i. specific health and safety problems threatening the use of existing structures;

or

ii. to serve a new school authorized to be located in the RA zone by King County comprehensive plan policies; and

b. tightlined; and

2. A finding is made by the utilities technical review committee that no cost-effective alternative technologies are feasible

C. Decisions on sewer service expansions in rural or resource areas shall be made by King County in the form of approval of a sewer comprehensive plan or approval



of an amendment to a sewer comprehensive plan. (Ord. 17485 § 4, 2012: Ord. 16265 § 9, 2008: Ord. 14049 § 5, 2001: Ord. 13625 § 12, 1999: Ord. 11616 § 11, 1994).

**13.24.136 On-site sewage treatment and disposal systems in the Urban Growth Area.** All new development within the Urban Growth Area shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities, as required by K.C.C. 21A.28.030. On-site sewage treatment and disposal systems shall be permitted in the Urban Growth Area only for single-family residences or for short subdivisions only on an interim basis and only as follows:

A. For existing individual lots, the director of the department of permitting and environmental review may authorize individual on-site sewage treatment and disposal systems given the following findings:

1. Application of the requirement of K.C.C. 13.24.035 that all development in the urban growth area be served by public sewers, would deny all reasonable use of an individual lot;

2. The applicant has submitted a certificate of sewer availability from the most logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the director that the requirement to receive public sewer service from the utility is unreasonable or infeasible at the time of construction; and

3. The applicant has provided a certificate of future connection from the appropriate utility that certifies that an irrevocable agreement has been entered into with the utility providing that the property shall be connected to public sewers upon availability of such sewers and that the property owner shall pay all costs of connection to the sewer. This certificate shall stipulate that the applicant and the applicant's successor's and interest agree to participate in and not protest the formation of a utility local improvement district or local improvement district or utility project that is designed to provide public sewer services to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the utility;

B. For short subdivisions, if:

1. The utilities and technical review committee determines that sewer service is not available in a timely and reasonable manner for property located within the urban growth area. In making its determination, the utilities technical review committee shall follow the procedures applicable to its determinations on whether water service is available from an existing purveyor in a timely and reasonable manner. However, in lieu of the process provided for in 13.24.090.B.3.b.(4), any appeal of the determination by the utilities technical review committee regarding the availability of timely and reasonable sewer service shall be consolidated with and is subject to the same appeal process as the underlying short plat application;

2. These on-site systems shall be managed by one of the following entities, in order of preference:

a. The sewer utility whose service area encompasses the proposed short subdivision; or

b. The provider most likely to serve the area; or

c. an Onsite Sewage System Maintainer certified by the Seattle-King County department of health;

3. The approved short subdivision indicates how additional lots to satisfy the minimum density requirements of K.C.C. Title 21A will be located on the subject property if sewers become available in the future;

4. There is no further subdivision or short subdivision of lots created under this section unless the additional lots are served by public sewers; and

5. The applicant has provided a certificate of future connection as required by subsection A.3. of this section.

C. The applicant has received approval for an on-site sewage treatment and disposal system design from the department of public health-Seattle and King County in accordance with the rules and regulations of the King County board of health, BOH Title 13. (Ord. 17890 § 7, 2014: Ord. 17420 § 31, 2012: Ord. 16265 § 10, 2008: Ord. 15029 § 5, 2004: Ord. 14049 § 6, 2001: Ord. 13625 § 13, 1999: Ord. 13190 § 2, 1998: Ord. 11616 § 12, 1994).

#### **13.24.138 Water facilities in rural areas.**

A. Standards and plans for utility services in rural areas and the design and scale of new water facilities that serve the Urban Growth Area but must be located in the rural area shall be consistent with the needs of long-term low-density residential development and resource industries in the rural area.

B. Consistent with RCW 90.54.020, 70.116 and 70.119A, existing Group A and Group B water systems with approved water system plans are the preferred means of water service within the Rural Area. New development in the rural area must be served by Group A water systems, Group B water systems or individual private wells in the following priority order:

1. By a Group A water system through direct service, if the proposed development is in an approved service area that has been assigned to a Group A water system through a King County-approved coordinated water system plan or is within the approved service area in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state and direct service can be provided by that system in a timely and reasonable manner;

2. By a new public water system owned and operated by a Group A water system or by a satellite management agency as provided in RCW 70.119A.060, until direct service can be provided by a Group A water system, if:

- a. the proposed development is within the approved service area of a Group A water system, as described in subsection B.1. of this section, and direct service cannot be provided by that system in a timely and reasonable manner; or

- b. the proposed development is in the service area of a water system that the county has determined has known quality or quantity problems that threaten public health;

3. By an existing Group A or Group B water system able and willing to provide safe and reliable potable water when it may be done with reasonable economy and efficiency, if the proposed development is not in an approved service area that has been assigned to a Group A water system through a King County-approved coordinated water system plan, and is not within the approved service area identified in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state;

4. By a new Group A or Group B water system that meets relevant land use and public health requirements and, if applicable, the provisions of subsection E. of this section; or

5. By a private well that meets relevant land use and public health requirements and, if applicable, the provisions of subsection E. of this section. If the proposed development to be served by the private well is in an approved service area that has been assigned to a Group A water system through a coordinated water system plan approved by the King County council or is within the approved service area in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state, the county shall condition its approval upon the

future connection of the development to the water system when service from that system becomes available.

C. Existing Group A water systems shall not be expanded beyond the total number of lots that the system is ultimately designed to serve, except as otherwise provided in subsection D. of this section.

D. A Group A water system may be established or expanded if:

1. The area has been assigned to a water purveyor through a King County-adopted coordinated water system plan; and

2. Before approval of the new system or system extension, the maximum number of connections has been specified based on the number of previously platted, or otherwise legally divided, lots and the zoning approved for the total rural area being served, and Group A service is financially feasible at the resulting density, as described in an approved water system plan.

E. In a closed basin, as defined by chapters 173-507, 173-508, 173-509, 173-510 and 173-515 WAC, or on Vashon-Maury Island, a private well or a public water system created to provide domestic water for a proposed division or redivision of land and that uses an exempt well under RCW 90.44.050 shall meet the following standards:

1. The proposed division or redivision of land shall be for no more than six lots;

2. Only one public water system may be created to serve the lots created by the proposed division or redivision of land;

3. Only one exempt well may be created to serve the lots created by the proposed division or redivision of land, unless more than one exempt well is required to meet water flow requirements or each lot in the proposed division or redivision of land is at least twenty acres in size; and

4. The private well or public water system shall allow no more than one-half acre of irrigation. (Ord. 16265 § 11, 2008: Ord. 15242 § 1, 2005: Ord. 15029 § 3, 2004: Ord. 14049 § 7, 2001: Ord. 11616 § 13, 1994).

#### **13.24.140 Water facilities in urban areas - interim alternative water service.**

A. All new development in the Urban Growth Area shall be served by:

1. An adequate public or private water supply system, as required by K.C.C. 21A.28.040; and

2. The appropriate existing Group A water purveyor, unless service cannot be provided in a timely and reasonable manner as provided in RCW 43.20.260 and 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

B. Alternative water service shall be permitted on an interim basis, only as follows:

1. For individual lots, the director of the department of permitting and environmental review may authorize interim water service from an existing Group B public water purveyor or the development of an individual well after making the following findings;

a. The applicant has submitted a certificate of water availability from the appropriate Group A or Group B water purveyor accompanied by a letter from the same purveyor that demonstrates to the satisfaction of the director that the requirement to receive water service from the purveyor is unreasonable or infeasible at the time of construction, which means service cannot be provided in a timely and reasonable manner in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy and efficiency as provided in RCW 19.27.097;

b. For connections to a Group B water purveyor, the applicant has received a water availability certificate from an existing Group B public water purveyor or has received pre-application approval for connection to a private well from the Seattle-King County department of public health in accordance with the rules and regulations of Title 12 of the Seattle-King County board of health;

c. For development of a new individual well, the applicant is unable to receive water service in a timely and reasonable manner or with reasonable economy and efficiency from any public water system;

d. The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor; and

e. Application of the standards of this title would otherwise preclude reasonable use of the property.

2. For subdivisions and short subdivisions, interim water service from a new or existing public water system may be approved as follows:

a. The applicant has received approval for the creation of a new public system in accordance with the applicable coordinated water system plan or individual water system plan reviewed by the county and approved by the state, if any, or the applicant has received a water availability certificate from an existing public water system; and

b. The director of the department of permitting and environmental review makes the following findings:

(1) The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor;

(2) The applicant provides a statement from the Group A public water system designated to assume the new public water system, or within whose service area the new system is proposed to be constructed, that it will provide satellite management of the system or that it has entered into an agreement or contract with a satellite management agency certified by the state Department of Health to provide water service until it can provide direct service, as required by RCW 70.119A.060; and

(3) Any new public water system will be built to the design standards of the appropriate Group A water purveyor to which it will be eventually connected.

C. Either existing wells or Group B water systems, or both, may serve the lots that the systems are ultimately designed to serve and shall be managed in compliance with applicable health regulations. (Ord. 17420 § 32, 2012: Ord. 16265 § 12, 2008: Ord. 15029 §4, 2004: Ord. 14049 § 8, 2001: Ord. 11616 § 14, 1994).

**13.24.142 Operation of new Group A water systems in rural areas.** All new Group A water systems in rural areas shall be operated by a certified water system operator, except when the area for the new water system is included in the planning area of an existing water utility identified in a coordinated water system plan. When the area for the new water system is included in the planning area of an existing water utility identified in a coordinated water system plan, the water system shall be operated by the utility through satellite management. (Ord. 13625 § 14, 1999: Ord. 11616 § 15, 1994).

## **13.28 CRITICAL WATER SUPPLY AREAS**

### **Sections:**

- 13.28.010 Areas designated.
- 13.28.025 Skyway Coordinated Water Supply Plan.
- 13.28.035 Vashon Water System Plan.
- 13.28.045 South King County Water System Plan.
- 13.28.055 East King County Water System Plan.

**13.28.010 Areas designated.** Pursuant to Chapter 70.116 RCW, the King County council hereby declares the areas of South King County, Skyway, Vashon, and East King County, as critical water supply areas (as preliminarily mapped in the Preliminary Assessment accepted by Motion 6407 and Ordinance 7893.) The county executive shall notify the Department of Social and Health Services, State of Washington, and form water utility coordinating committees pursuant to RCW 70.116.040 for the purpose of preparing coordinated water supply plans for the declared areas. (Ord. 7893 § 2, 1986: Ord. 7578, 1986).

### **13.28.025 Skyway Coordinated Water System Plan.**

A. Ratification. The Skyway coordinated water system plan (CWSP) is ratified in accordance with the regulations of the Washington State Department of Health (DOH) found in WAC 248-56. The King County council finds the CWSP to be consistent with the county's adopted land use plans and policies as called for in RCW 70.116 and K.C.C. 13.24 and recommends that DOH approve it.

B. Conservation element. A water conservation program is an integral element of the Skyway Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plan. The conservation program to reduce water consumption as outlined in an addendum to Skyway Coordinated Water System Plan shall be in place and operating by 1995 and will be reviewed at that time for its effectiveness by the Washington State Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans.

C. Base year measurement. 1990 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reductions as a result of an existing conservation program. All purveyors within the Skyway critical water supply service area shall achieve a 6.5 percent per capita reduction in water use from the 1990 average annual per capita consumption figure (base year measurement) by 1995. A minimum total reduction in average per capita water consumption of eight percent from the 1990 base figure is the goal for the Skyway Coordinated Water System Plan by the year 2000. (Ord. 9332 §§ 1-2, 1990).

### **13.28.035 Vashon Water System Plan.**

A. The Vashon Coordinated Water System Plan is ratified in accordance with the regulations of the Washington State Department of Health found in WAC 248-56. The King County council finds the Vashon Coordinated Water System Plan is consistent with the county's adopted land use plans and policies, as set forth in chapter 70.116 RCW and K.C.C. chapter 13.24 and recommends its approval by the Washington state Department of Health with the following conditions:

1. A principal requirement and objective of the Vashon Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The Vashon Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the department of permitting and environmental review, the Seattle/King County department of public health, and the department of executive services. Water service provided within a designated service area is to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the Vashon Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make certain that the proposed utility service is consistent with land use plans and policies.

2. Vashon Island purveyors recognize the county's land use policies and will not use water service as a vehicle to supersede the land use policies and zoning on Vashon Island. The purveyors may perform satellite management of all class 2, 3 and 4 water systems within their service areas as provided for by the Vashon Coordinated Water System Plan.

3. An application has been submitted to the United States Environmental Protection Agency to declare Vashon/Maury Island water supply as a sole source aquifer. For this reason, a water conservation program is an integral element of the Vashon Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plans. The conservation programs to reduce water consumption as outlined in the Vashon Coordinated Water System Plan shall be in place and operating by 1996 and will be reviewed by the Washington state Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans. 1991 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program. All water utilities shall achieve a four percent minimum total reduction in water use from the 1991 average annual per capita consumption figure by 1996.

A minimum total reduction in average per capita water consumption of six percent from the 1991 base figure is the stated goal for the entire Vashon/Maury Island Critical Water Supply Service Area by the year 2000.

B. The Vashon Coordinated Water System Plan identified an unresolved service area dispute between Westside Water Association and Island Spring Water Company. King County recommends to the Washington state Department of Health that the area in

question be assigned as part of the designated water service area of Westside Water Association.

C. King County approvals of water service areas through water comprehensive plans or developer extensions will be based upon consistency with V-59 and V-60 of the Vashon Community Plan and F-111, F-305, F-309, and F-310 of the King County Comprehensive Plan, in effect on March 14, 1991.

D. K.C.C. 17.08.020E exempting new or replacement water mains from fire flow requirements as long as the main will serve exempt uses only shall be utilized in sizing water mains. Consistent with K.C.C. 17.08.030 A.4 and A.5, if fire protection measures are warranted for buildings over two thousand five hundred square feet, sprinkler systems, on-site water storage facilities or other measures shall be proven infeasible before requiring fire flow to the site. (Ord. 17420 § 33, 2012: Ord. 14498 § 20, 2002: Ord. 9839 §§ 1-4, 1991).

### **13.28.045 South King County Water System Plan.**

A. Ratification. The South King County Coordinated Water System Plan is ratified in accordance with the regulations of the Washington State Department of Health found in WAC 248-56. King County council finds the Coordinated Water System Plan to be consistent with the county's adopted land use plans and policies, as called for in RCW 70.116 and K.C.C. 13.24 and recommends its approval by the Washington State Department of Health with the following three conditions:

1. Service Area. A principal requirement and objective of the Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the building and land development division, the Seattle-King County health department, and the real property division. Water service provided within a designated service area is to be consistent with local land use plans. In order to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area boundary in the context of the Coordinated Water System Plan is understood to consist of an existing service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make certain that the proposed utility service is consistent with land use plans and policies.

2. Land Use Policies. South King County purveyors recognize the county's land use policies and will not use water service as a vehicle to supersede the land use policies and zoning within unincorporated King County.

The purveyors may perform satellite management of all class 2, 3 and 4 water systems within their service areas as provided for by the South King County Coordinated Water System Plan.

3. Conservation Element. A water conservation program is an integral element of the South King County Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plans. The conservation program to reduce water consumption as outlined in the Coordinated Water

System Plan shall be in place and operating by 1995 and will be reviewed at that time for its effectiveness by the Washington State Department of Health with assistance from the Water Utility Coordinating Committee. King county will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans.

1990 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program.

All utilities of five hundred or fewer customers shall achieve a four percent minimum total reduction in water use from the 1990 average annual per capita consumption figure (base year measurement) by 1995.

Utilities with five hundred to ten thousand customers and those utilities with greater than ten thousand customers shall achieve a 6.5 percent reduction per capita consumption figure by 1995.

A minimum total reduction in average per capita water consumption of eight percent from the 1990 base figure is the stated goal for the entire South King County Critical Water Supply Service Area by the year 2000.

B. Changes to the Plan. The Seattle-King County health department requests that the following changes to the plan be forwarded to the Washington State Department of Health for consideration during the final Washington State Department of Health approval process:

SECTION IX, Part 4 of the South King County Coordinated Water System Plan follows:

a. 4A, 1st paragraph, insert before the last sentence:

"SKCHD maintains a database for data related to groundwater systems." Replace the last sentence with: "However, there is currently no unified program for developing a common utility planning database for storage and use of all utility planning information."

b. Change the first sentence of the 3rd paragraph to read:

"A database will also be maintained by the SKCHD for groundwater systems and related regulatory information using information provided by USGS, EPA, Ecology, and utilities." (Ord. 9461 §§ 1-2, 1990).

### **13.28.055 East King County Water System Plan.**

A. The East King County Coordinated Water System Plan is ratified in accordance with the regulations of the Washington state Department of Health found in chapter 248-56 WAC. The King County council finds the East King County Coordinated Water System Plan is consistent with the county's adopted land use plans and policies, as called for in chapter 70.116 RCW and K.C.C. chapter 13.24 and recommends its approval by the Washington state Department of Health with the following conditions:

1. A principle requirement and objective of the East King County Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The East King County Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the department of permitting and environmental review, the Seattle-King County health department and the department of executive services. Water service provided within a designated service area is to be consistent with local land use plans. In order to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive



plans, a water utility's service area boundary in the context of the East King County Coordinated Water System Plan is understood to consist of an existing service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the East King County Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make certain that the proposed utility service is consistent with land use plans and policies.

2. East King County purveyors recognize the county's land use policies and will not use water service as a vehicle to supersede the land use policies and zoning within unincorporated King County.

The purveyors may perform satellite management of all class 2, 3 and 4 water systems within their service areas as provided for by the East King County Coordinated Water System Plan.

3. A water conservation program is an integral element of the East King County Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plans. The conservation program to reduce water consumption as outlined in the East King County Coordinated Water System Plan shall be in place and operating by 1995 and will be reviewed at that time for its effectiveness by the Washington state Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans.

1990 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program.

All utilities of five hundred or fewer customers shall achieve a four percent minimum total reduction in water use from the 1990 average annual per capita consumption figure by 1995.

Utilities with five hundred to ten thousand customers and those utilities with greater than ten thousand customers shall achieve a six and five-tenths percent reduction per capita consumption figure by 1995.

A minimum total reduction in average per capita water consumption of eight percent from the 1990 base figure is the stated goal for the entire East King County Critical Water Supply Service Area by the year 2000.

B. With respect to the unresolved service area between the city of Redmond and Union Hill Water Association, King County recommends to the Washington state Department of Health that the area in question be assigned as a part of the city of Redmond's designated water service area with the following provisions:

1. The city of Redmond shall establish an implementation schedule to finalize water service arrangements to this area in a timely and reasonable manner and the area shall be addressed in its Comprehensive Water Plan updated by the end of 1990. If this is not accomplished, reconsideration will be given to another service provider for the area.

2. The city of Redmond shall endorse land use and zoning as provided in the Bear Creek Community Plan and Area Zoning and shall not use water service to supersede King County land use authority. Failure to comply will cause King County to withdraw its approval of this portion of the coordinated water system plan and to decertify that particular service area for consistency with county land use plans and policies.

Washington state Department of Health will be notified of this action and the consequences.

3. King County supports the city of Redmond and the Woodinville Sewer and Water District in the effort to reexamine the existing interlocal agreement between them regarding provision of water service in this area and to consider changes based on property ownership lines.

C. The Seattle-King County department of public health requests that the following changes to the plan be forwarded to the Washington state Department of Health for consideration during the final Washington state Department of Health approval process:

SECTION XI, Part 4 of the East King County Coordinated Water System Plan follows:

a. 4A, first paragraph, insert before the last sentence:

"SKCHD maintains a database for data related to ground water systems."  
Replace the last sentence with: "However, there is currently no unified program for developing a common utility planning database for storage and use of all utility planning information."

b. Change the first sentence of the third paragraph to read: "A database will also be maintained by the SKCHD for groundwater systems and related regulatory information using information provided by USGSS, EPA, Ecology, and utilities." (Ord. 17420 § 34, 2012: Ord. 14498 § 21, 2002: Ord. 9462, §§ 1-3, 1990).